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CHAPTER 463-26 WAC

PROCEDURE--~~INITIAL PUBLIC HEARING AND~~ PUBLIC INFORMATION ~~AL~~ MEETING AND LAND USE HEARING

WAC

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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

463-26-030 News releases. [Order 109, § 463-26-030, filed 11/16/76.] Repealed by 92-09-013, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 80.50.040(1).

WAC 463-26-010 Purpose of this chapter. This chapter sets forth the procedures to be followed in the conduct of the ~~initial public hearing held pursuant to RCW 80.50.090(1) and the~~ public informational meeting pursuant to RCW 80.50.090(1) and as described in WAC 463-26-130 and public land use hearing held pursuant to RCW 80.50.090(2). [Order 109, § 463-26-010, filed 11/16/76.]

WAC 463-26-020 Notification of local authorities. Before scheduling ~~either~~ the informational public meeting under RCW 80.50.090(1) or the ~~initial~~ public land use hearing under RCW 80.50.090(2), the council will notify the legislative authority in each county, city and port district within whose boundaries the site of the proposed energy facility is located. [Statutory Authority: RCW 80.50.040(1). 78-09-081 (Order 78-8), § 463-26-020, filed 8/28/78; Order 109, § 463-26-020, filed 11/16/76.]

WAC 463-26-xxx Public informational meeting. The council shall conduct at least one public informational meeting concerning each application. At this meeting, the council will present the general procedure to be followed in processing the application including a tentative sequence of

council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.

(1) The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.

(2) The general public will be afforded an opportunity to present written or oral comments relating to the proposed project. The comments will not be part of the adjudicative proceeding record.

(3) The informational meeting will be held in the general proximity of the proposed project as soon as practicable within sixty days after receipt of an application for site certification.

[Statutory Authority: RCW 80.50.040. 91-03-090, § 463-26-130, filed 1/18/91, effective 2/18/91; Order 109, § 463-26-130, filed 11/16/76.]

WAC 463-26-xxx Introduction of counsel for the environment. The council shall invite the counsel for the environment to be present at the public informational meeting. Counsel for the environment shall be introduced and afforded an opportunity to explain his or her statutory duties under chapter 80.50 RCW. [Order 109, § 463-26-070, filed 11/16/76.]

WAC 463-26-xxx Explanation of entire certification process. At the commencement of the public informational meeting, the council shall generally explain the entire hearing process as set forth in RCW 80.50.090 and these regulations. [Statutory Authority: RCW 80.50.040(1). 87-01-065 (Order 86-1), § 463-26-080, filed 12/17/86; Order 109, § 463-26-080, filed 11/16/76.]

WAC 463-26-040 Adversary nature of land use hearings. The ~~initial~~-public land use hearing under RCW 80.50.090(2) conducted pursuant to this chapter shall be conducted as adversary proceeding and may be combined with the adjudicative hearing. [Order 109, § 463-26-040, filed 11/16/76.]

WAC 463-26-050 Purpose for land use hearing. At the commencement of the ~~initial~~-public land use hearing, the council shall explain that the purpose of the ~~initial~~-hearing under RCW 80.50.090(~~2~~+) is to determine whether at the time of application the proposed facility ~~is~~was consistent and in compliance with county or regional land use plans or zoning ordinances~~and that this matter shall have priority~~. Pursuant to RCW 80.50.020(15) "land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government under chapters 35.63, 35A.63, or 36.70 RCW. Pursuant to RCW 80.50.020(16) "zoning ordinance" means an ordinance of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state constitution. [Statutory Authority: RCW 80.50.040(1). 78-09-081 (Order 78-8), § 463-26-050, filed 8/28/78; Order 109, § 463-26-050, filed 11/16/76.]

WAC 463-26-060 Public announcement--Testimony. At the outset of the ~~initial~~-public land use hearing, the council shall publicly announce that opportunity for testimony by anyone shall be allowed relative to the consistency and compliance with county or regional land use plans or zoning ordinances. [Order 109, § 463-26-060, filed 11/16/76.]

~~**WAC 463-26-070 Introduction of counsel for the environment.** The council shall invite the counsel for the environment to be present at the initial public hearing. Counsel for the~~

environment shall be introduced and afforded an opportunity to explain his or her statutory duties under chapter 80.50 RCW. [Order 109, § 463-26-070, filed 11/16/76.]

~~———— WAC 463-26-080 Explanation of entire certification process. At the commencement of the hearing, the council shall generally explain the entire hearing process as set forth in RCW 80.50.090 and these regulations. [Statutory Authority: RCW 80.50.040(1), 87-01-065 (Order 86-1), § 463-26-080, filed 12/17/86; Order 109, § 463-26-080, filed 11/16/76.]~~

WAC 463-26-090 Procedure where certificates affirming compliance with zoning ordinances or land use plans are presented. This rule contemplates that applicants will enter as exhibits, at the land use hearing, certificates from local authorities attesting to the fact that the proposal is consistent and in compliance with county or regional land use plans or zoning ordinances. In cases where this is done, such certificates will be regarded as *prima facie* proof of consistency and compliance with such zoning ordinances or land use plans absent contrary demonstration by anyone present at the hearing. [Order 109, § 463-26-090, filed 11/16/76.]

WAC 463-26-100 Procedure where no certificates relating to zoning ordinances or land use plans are presented. In cases where no certificates relating to zoning or land use are presented to the council, then the applicant will be required to demonstrate compliance with local zoning or land use plans as part of its presentation. Local authorities shall then be requested to testify on the question of consistency and compliance with county or regional land use plans or zoning ordinances. [Order 109, § 463-26-100, filed 11/16/76.]

WAC 463-26-110 Determination regarding zoning or land use. ~~Prior to the conclusion of the hearing.~~ The council shall make a determination as to whether the proposed site is consistent and in compliance with land use plans or zoning ordinances pursuant to RCW 80.50.090(2).

[Order 109, § 463-26-110, filed 11/16/76.]

~~**WAC 463-26-120 Initial determination subject to review.** At the time that the determination on zoning or land use planning is made, the council shall explain that this determination may be reopened later during the course of the adjudicative proceeding by the parties to that proceeding when good cause is shown. [Statutory Authority: RCW 80.50.040, 91-03-090, § 463-26-120, filed 1/18/91, effective 2/18/91; Order 109, § 463-26-120, filed 11/16/76.]~~

~~**WAC 463-26-130 Public information meeting.** The council shall conduct at least one public information meeting concerning each application. At this meeting, the council will present the general procedure to be followed in processing the application including a tentative sequence of council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.~~

~~——— The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.~~

~~——— The general public will be afforded an opportunity to present written or oral comments relating to the proposed project. The comments will not be part of the adjudicative proceeding record.~~

~~_____The informational meeting will be held in the general proximity of the proposed project. Whenever feasible it will be held in conjunction with the land use or zoning hearing as a separate and independent order of business. [Statutory Authority: RCW 80.50.040, 91-03-090, § 463-26-130, filed 1/18/91, effective 2/18/91; Order 109, § 463-26-130, filed 11/16/76.]~~